IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.31086 of 2008
RAJO YADAV @ RAJESHWAR YADAV
Versus
STATE OF BIHAR
---

3. 26.9.2008 Heard.

If one goes through the statement of the learned A.P.P. which was made by him while addressing submission in the court below as recorded in para-4 of the rejection order, one could find that the rejection order was passed on mere conjecture. Some of the paragraphs contain the antecedent of the petitioner and some paragraphs also indicate that the petitioner was last seen by the witnesses in a nervous position.

Learned Addl. Sessions Judge, who is the sole repository of holding jurisdiction of the Sessions Judge in the district of Supaul, should remind himself that such could not be the material for refusing the prayer for bail in such a case of no material. A Judge could have the power but the power is meant for properly being utilized, it is never meant for being misutilised. The case appears exercising wrong application of discretion in refusing the prayer for bail.

WEB COPY NOT OFFICIAL

Let a copy of this order be communicated to the Judge, who was holding the office of the Sessions Judge, Supaul, on 24.6.2008.

Under the facts and circumstances of the case and the material as indicated, let petitioner named above be released on bail on furnishing bail bond of Rs.3,000/-(Three thousand) with

two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Supaul, in connection with Kishanpur P.S. case no.27 of 2000 (G.R. no.273 of 2000).

(Dharnidhar Jha,J)

sudip

WEB COPY NOT OFFICIAL